

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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MR. BRANDON MILLER,

Petitioner

v.

COMMONWEALTH OF PENNSYLVANIA, et. al.:

Respondents

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CIVIL ACTION

NO. 13-6862

**ORDER**

AND NOW, this 10<sup>th</sup> day of July, 2014, upon independent consideration of the Petition for Writ of Habeas Corpus (Docket No. 1) filed November 25, 2013; Petitioner's Application for Release of Prisoner in a Habeas Corpus Proceeding (Docket No. 5) filed February 26, 2014; the Response to Petition for Writ of Habeas Corpus (Docket No. 10) filed April 14, 2014; Petitioner's Habeas Corpus Supplement Exhibit (Docket No. 12) filed April 17, 2014; and Petitioner's Motion to Stay Habeas Corpus Proceedings (Docket No. 16) filed June 13, 2014;<sup>1</sup> and after review of the Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated June 19, 2014, IT IS HEREBY ORDERED that:

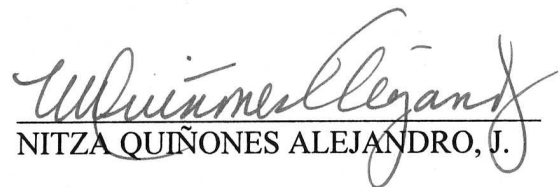
1. the Report and Recommendation is APPROVED and ADOPTED;
2. the Petition for Writ of Habeas Corpus is DENIED without prejudice and DISMISSED without an evidentiary hearing;
3. Petitioner's Application for Release is DENIED;

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<sup>1</sup> Prior to filing his motion to stay, Petitioner had filed a letter request to stay the current habeas proceedings. See Docket No. 14.

4. Petitioner's Motion to Stay is DENIED; and
5. there is no probable cause to issue a certificate of appealability.

BY THE COURT:

  
NITZA QUINONES ALEJANDRO, J.